

**Amendment and Response**

Applicant: Howard Taub et al.

Serial No.: 09/996,899

Filed: November 30, 2001

Docket No.: 10982142-1

Title: SYSTEMS AND METHODS FOR PROVIDING INCENTIVES TO CONSUMERS**RECEIVED  
CENTRAL FAX CENTER****JUL 20 2006****REMARKS**

The following Remarks are made in response to the Non-Final Office Action mailed April 20, 2006, in which claims 1-9, 11-19, 22-42, and 44-50 were rejected. With this Amendment, claims 51 and 52 have been added, and claims 1, 3, 4, 13-19, 22-30, 40, 49, and 50 have been amended to clarify Applicant's invention.

Claims 1-9, 11-19, 22-42, and 44-52, therefore, remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 101**

Claims 13-19 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

With this Amendment, the preamble of claims 13-19 has been amended to clarify that claims 13-19 are directed to a "system."

Applicant, therefore, respectfully requests that the rejection of claims 13-19 under 35 U.S.C. 101 be reconsidered and withdrawn, and that claims 13-19 be allowed.

**Claim Rejections under 35 U.S.C. § 112**

Claims 22-29 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements.

With this Amendment, the preamble of claims 22-29 and 49 has been amended to clarify that claims 22-29 and 49 are directed to a "system."

Applicant, therefore, respectfully requests that the rejection of claims 22-29 and 49 under 35 U.S.C. 112, second paragraph, be reconsidered and withdrawn, and that claims 22-29 and 49 be allowed.

**Claim Rejections under 35 U.S.C. § 103**

Claims 1-9, 11, 12, 30-39, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber et al. US Patent No. 5,794,210 in view of Dedrick US Patent No. 5,768,521.

Claims 13-29 and 40-49 are rejected under 35 U.S.C. 103(a) as being unpatentable

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over Goldhaber et al. US Patent No. 5,794,210.

*[Applicant notes that claims 20, 21, and 43 were previously cancelled without prejudice. The rejection of these claims under 35 U.S.C. 103(a), therefore, is rendered moot.]*

With regard to independent claim 1, this claim has been amended to clarify that "the manner of rendering includes at least one of displaying the message content, printing the message content, and playing at least one of audio and visual content of the message content." Thus, independent claim 1 includes "a plurality of values that indicate different amounts based on a manner of rendering that the sender offers to credit a receiver for rendering at least a portion of the message content," wherein "the manner of rendering includes at least one of displaying the message content, printing the message content, and playing at least one of audio and visual content of the message content."

With regard to independent claim 13, Applicant respectfully traverses the rejection of this claim. Independent claim 13 includes "a bank request module configured to verify that an advertiser bank account identified by the advertiser bank account identifier in the content packet can satisfy the value identified in the content packet," "a rules module containing payment values that the receiver requires from the sender for the receiver to render the content message," and "a rendering module configured to render the content message if the value that the sender is willing to pay the receiver to render the content message meets or exceeds a payment value established in the rules module and if the bank request module verifies sufficient funds are in the advertiser bank account to pay the value included in the content packet."

With regard to independent claim 22, Applicant respectfully traverses the rejection of this claim. Independent claim 22 includes "a rules module that contains a value the receiver requires from the sender for the receiver to print the content message and that is configured to print the content message if the print value that the sender is willing to pay the receiver to print the content message is greater than or equal to the value that the receiver requires."

With regard to independent claim 30, this claim has been amended to clarify "the manner of rendering including at least one of displaying the content message and printing the content message." Thus, independent claim 30 includes "assembling a content packet at a computer device, the content packet including a content message and a plurality of rendering

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values that indicate different amounts based on a manner of rendering that a sender of the content message offers to credit the one or more receivers for rendering the content message with "the manner of rendering including at least one of displaying the content message and printing the content message," and includes "crediting the receiver that rendered the content message with an amount equal to at least one of the plurality of rendering values based on the manner of rendering."

With regard to independent claim 40, Applicant respectfully traverses the rejection of this claim. Independent claim 40 includes "verifying the sender computer device corresponds to a bank account that contains sufficient funds to satisfy the rendering value" and includes "automatically initiating rendering of the content message if the rendering value is greater than or equal to a pre-determined rendering limit of the receiver and if the bank account contains sufficient funds to satisfy the rendering value."

With regard to independent claim 49, this claim has been amended to clarify "if the funds verifier verifies that sufficient funds are in the sender bank account." Thus, independent claim 49 includes "a funds verifier configured to verify that sufficient funds to pay the print value to the receiver are in a sender bank account identified by the sender bank account identifier" and includes "a rules module that contains a value the receiver requires from the sender for the receiver to print the content message and that is configured to print the content message if the print value that the sender is willing to pay the receiver to print the content message is greater than or equal to the value that the receiver requires and if the funds verifier verifies that sufficient funds are in the sender bank account."

With regard to independent claim 50, this claim has been amended to clarify "if there are sufficient funds in the sender bank account to cover the rendering value." Thus, independent claim 50 includes "sending the content packet to one or more receivers for rendering if there are sufficient funds in the sender bank account to cover the rendering value."

With respect to the Goldhaber et al. and Dedrick patents, Applicant submits that the Goldhaber et al. and Dedrick patents, individually or in combination, do not teach or suggest a server from which a sender distributes content messages to one or more receivers as claimed in independent claim 1 including, amongst other things, a plurality of values that indicate different amounts based on a manner of rendering that the sender offers to credit a

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receiver for rendering at least a portion of the message content, wherein the manner of rendering includes at least one of displaying the message content, printing the message content, and playing at least one of audio and visual content of the message content. In addition, Applicant submits that the Goldhaber et al. and Dedrick patents, individually or in combination, do not teach or suggest a system as claimed in independent claim 13 including, amongst other things, a rendering module configured to render the content message if the value that the sender is willing to pay the receiver to render the content message meets or exceeds a payment value established in the rules module and if the bank request module verifies sufficient funds are in the advertiser bank account to pay the value included in the content packet. In addition, Applicant submits that the Goldhaber et al. and Dedrick patents, individually or in combination, do not teach or suggest a system as claimed in independent claim 22 including, amongst other things, a rules module that contains a value the receiver requires from the sender for the receiver to print the content message and that is configured to print the content message if the print value that the sender is willing to pay the receiver to print the content message is greater than or equal to the value that the receiver requires. In addition, Applicant submits that the Goldhaber et al. and Dedrick patents, individually or in combination, do not teach or suggest a method for distributing content messages to one or more receivers as claimed in independent claim 30 including, amongst other things, assembling a content packet at a computer device, with the content packet including a content message and a plurality of rendering values that indicate different amounts based on a manner of rendering that a sender of the content message offers to credit the one or more receivers for rendering the content message, and the manner of rendering including at least one of displaying the content message and printing the content message, and including crediting the receiver that rendered the content message with an amount equal to at least one of the plurality of rendering values based on the manner of rendering. In addition, Applicant submits that the Goldhaber et al. and Dedrick patents, individually or in combination, do not teach or suggest a method for receiving content messages from one or more sender computer devices as claimed in independent claim 40 including, amongst other things, automatically initiating rendering of the content message if the rendering value is greater than or equal to a pre-determined rendering limit of the receiver and if the bank account contains sufficient funds to satisfy the rendering value. In addition, Applicant submits that the Goldhaber et al.

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and Dedrick patents, individually or in combination, do not teach or suggest a system as claimed in independent claim 49 including, amongst other things, a rules module that contains a value the receiver requires from the sender for the receiver to print the content message and that is configured to print the content message if the print value that the sender is willing to pay the receiver to print the content message is greater than or equal to the value that the receiver requires and if the funds verifier verifies that sufficient funds are in the sender bank account. In addition, Applicant submits that the Goldhaber et al. and Dedrick patents, individually or in combination, do not teach or suggest a method for distributing content messages to one or more receivers as claimed in independent claim 50 including, amongst other things, sending the content packet to one or more receivers for rendering if there are sufficient funds in the sender bank account to cover the rendering value.

Regarding the Dedrick patent, the Dedrick patent discloses that the target user profile may be associated with a pricing hierarchy for advertising information such that "a targeted end user receives a larger price credit than an end user that was not targeted by the advertiser" (col. 5, lines 47-50). Thus, the Dedrick patent provides different pricing for targeted and non-targeted end users. The Dedrick patent, however, does not teach or suggest a plurality of values that indicate different amounts based on a manner of rendering that the sender offers to credit a receiver for rendering the message content.

In addition, neither the Goldhaber et al. patent nor the Dedrick patent teach or suggest verifying that a sender or advertiser has sufficient funds to satisfy a rendering value that the sender or advertiser is willing to pay a receiver to render the content message. For example, at col. 7, lines 29-40, the Dedrick patent discloses that (emphasis added):

When an end user requests electronic information, the metering server 14 calculates the price of consuming the electronic information from the cost type and the cost value associated with the information. By way of example, the metering process 36 subtracts the price from the account balance and then determines whether the result is greater than zero. If the price of consuming the electronic information does not exceed the balance, the metering server 14 sends the unit of electronic information to the end user. If the price does exceed the balance, the metering server 14 will not send the electronic information to the end user and may inform the end user of the remaining balance.

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Thus, the metering process of the Dedrick patent determines whether an end user (i.e., the receiver of information) has an account balance sufficient to receive pay-for electronic information when an end user requests electronic information. The metering process of the Dedrick patent, however, does not verify that an advertiser or sender of information has sufficient funds to satisfy a rendering value that the advertiser or sender is willing to pay a receiver to render the content message. Accordingly, the Dedrick patent does not teach or suggest rendering a content message only if an account of the advertiser or sender contains sufficient funds to satisfy the rendering value.

Furthermore, neither the Goldhaber et al. patent nor the Dedrick patent teach or suggest rendering a content message only if the value that the sender is willing to pay the receiver is greater than or equal to a pre-determined value that the receiver requires.

In view of the above, Applicant submits that independent claims 1, 13, 22, 30, 40, 49, and 50 are each patentably distinct from the Goldhaber et al. and Dedrick patents and, therefore, are each in a condition for allowance. Furthermore, as dependent claims 2-9 and 11-12 further define patentably distinct claim 1, dependent claims 14-19 further define patentably distinct claim 13, dependent claims 23-29 and 51 further define patentably distinct claim 22, dependent claims 31-39 further define patentably distinct claim 30, dependent claims 41-42 and 44-48 further define patentably distinct claim 40, and dependent claim 52 further defines patentably distinct claim 49, Applicant submits that these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejections of claims 1-9, 11, 12, 30-39, and 50 under 35 U.S.C. 103(a) and claims 13-29 and 40-49 under 35 U.S.C. 103(a) be reconsidered and withdrawn, and that claims 1-9, 11-19, 22-42, and 44-52 be allowed.

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In view of the above, Applicant respectfully submits that pending claims 1-9, 11-19, 22-42, and 44-52 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Jeff D. Limon at Telephone No. (541) 715-5979, Facsimile No. (541) 715-8581 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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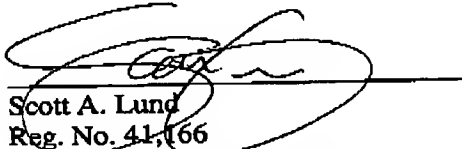
Respectfully submitted,

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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 20<sup>TH</sup> day of July, 2006.

By

Name: Scott A. Lund